

~~PROPOSED~~ ORDER/COVER SHEET

TO: Honorable Wayne D. Brazil  
U.S. Magistrate Judge

**FILED**

OCT 24 2006

RE: Whitmore, Brett

FROM: Claudette M. Silvera, Chief  
U.S. Pretrial Services Officer

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

DOCKET NO.: 4-OR-06-70633 WDB

DATE: October 23, 2006

THE ATTACHED MEMORANDUM WAS PREPARED BY PRETRIAL SERVICES OFFICER:

PAUL MAMARIL  
U.S. PRETRIAL SERVICES OFFICER

510-637-3757  
TELEPHONE NUMBER

RE: MODIFICATION OF CONDITIONS (OR INFORMATION/VIOLATION)

We are requesting direction from the Court. Please initial the appropriate box(es), and return this form to us so that we may comply with your instructions.

- ☒ I have reviewed the information that you have supplied. I do not believe that this matter requires any action by this Court at this time.
- ☐ Inform all parties concerned that I will conduct a Bail Review Hearing in Courtroom No. \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_.
- ☐ Inform all parties concerned that a Bail Review Hearing will be conducted by: Magistrate Judge \_\_\_\_\_ Presiding District Court Judge \_\_\_\_\_.
- ☐ I agree with the recommendation of the Pretrial Services Officer and hereby modify the defendant's Pretrial Release conditions as indicated below:
- ☐ Modification(s)
- A.
- B.
- ☐ Bail Revoked/Bench Warrant Issued.
- ☐ I am returning the signed order and direct that a copy be provided to the Court file and all interested parties(AUSA and Defense Counsel).
- ☐ Other Instructions:

Wayne D. Brazil  
JUDICIAL OFFICER

10-24-06  
DATE

Cover Sheet (12/03/02)

my cc: WDB's Stats, Copy to parties via ECF,  
Pretrial

**To:** Honorable Wayne D. Brazil  
U.S. Magistrate Judge

**From:** Paul Mamaril  
U.S. Pretrial Services Officer

**Subject:** Whitmore, Brett  
CR 06-70633 WDB

**Date:** October 23, 2006



## MEMORANDUM

Your Honor:

The above-referenced defendant last appeared before Your Honor on October 10, 2006, for a Detention Hearing. At the hearing, Your Honor ordered the defendant released on a \$200,000 bond secured by his mother's property with the following conditions of release:

- 1) The defendant shall report to Pretrial Services as directed;
- 2) The defendant's travel is restricted to the Northern District of California and to the Western District of North Carolina;
- 3) The defendant shall surrender all passports and visas to the Court (if any) and shall not apply for any passports or other travel documents;
- 4) The defendant shall not possess a firearm, destructive device or any other dangerous weapons;
- 5) The defendant shall not use alcohol and shall not use or possess any narcotic or other controlled substance without a legal prescription (medical marijuana prescription not recognized);
- 6) The defendant shall participate in drug, alcohol, and/or mental health counseling, and submit to drug testing, as directed by Pretrial Services;
- 7) The defendant shall maintain current employment or if unemployed shall seek and maintain verifiable employment;
- 8) The defendant shall not have contact with any co-defendant outside the presence of counsel; and
- 9) The defendant shall not change residence without prior approval of Pretrial Services.

Mr. Whitmore was previously interviewed by Peter Budlong of the Newbridge substance abuse program on October 5, 2006. On October 6, 2006, Supervising U.S. Pretrial Services Officer Silvio Lugo submitted a memorandum to Your Honor outlining the recommendations made by Mr. Budlong. Mr. Budlong advised Pretrial Services that given the defendant's reported period of sobriety and the fact that he is employed, he would recommend the defendant be required to participate in an intensive outpatient program. However, in the event the defendant does not succeed with outpatient counseling and maintaining his sobriety, Mr. Budlong indicated he would recommend that the defendant be ordered to participate in a residential substance abuse program.

MEMORANDUM FOR THE HONORABLE WAYNE D. BRAZIL  
UNITED STATES MAGISTRATE JUDGE  
RE: WHITMORE, BRETT

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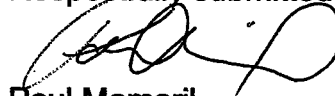
On October 10, 2006, Your Honor requested that Mr. Whitmore be placed into a outpatient substance abuse counseling program immediately based upon Mr. Budlong's recommendation. On that date, Your Honor also requested an update regarding the defendant's progress with counseling prior to his next court appearance which is scheduled for an Identity/Removal Hearing on October 24, 2006, at 10:00am.

October 11, 2006, Mr. Whitmore reported to the undersigned and his conditions of release were discussed. The defendant was directed to attend three Narcotic Anonymous meetings each week pending a referral for substance abuse counseling at Sharper Future in Walnut Creek, California. It should be noted that Mr. Whitmore also submitted an initial urinalysis which tested negative for any drugs. On October 12, 2006, the undersigned referred the defendant for a substance abuse assessment/individual counseling and random urinalysis at Sharper Future in Walnut Creek. Pretrial Services requested a verbal report regarding the outcome of the defendant's assessment from Sharper Future.

On October 20, 2006, this officer received numerous voice messages from Mr. Whitmore advising that his first counseling appointment was scheduled that afternoon and that there were no counselors available at the facility to assist him. On October 23, 2006, the undersigned contacted Alisa Sharp from Sharper Future regarding the defendant's appointment. Ms. Sharp apologized and informed that the therapist was unable to meet with Mr. Whitmore on October 20, 2006, therefore, they will reschedule the defendant's appointment to October 27, 2006.

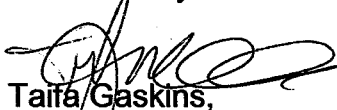
This memorandum is submitted for Your Honor's information and consideration.

Respectfully submitted,



Paul Mamaril  
U. S. Pretrial Services Officer

Reviewed by:



Taifa Gaskins,  
Program Development Specialist